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Nicaragua's American Lawyers Prepare Case

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WASHINGTON, Sept. 7 — Relying heavily on American lawyers and witnesses, the Government of Nicaragua will try to prove in proceedings opening at the World Court next week that the United States controls and directs Nicaraguan rebels in violation of international law.

Abram Chayes, a Harvard Law professor who was the State Department's top lawyer during the Kennedy Administration, said this week that he and other members of the legal team working for Nicaragua would argue that the rebel force, often referred to as the *contras*, was an "agent" of the Reagan Administration and that the United States was responsible for its actions.

The hearing opens Thursday in The Hague, seat of the World Court, which is formally called the International Court of Justice.

Addressing a longstanding United States accusation, the lawyers for Nicaragua said they would acknowledge that the Managua Government supplied weapons to Salvadoran guerrillas for the big January 1981 offensive against the United States-backed Government in El Salvador. But they will argue that there is no credible evidence of sustained arms shipments since then.

The Nicaraguan Government filed its suit in April 1984, charging that the United States was conducting military and paramilitary activities against Nicaragua in violation of international law, including the charters of the United Nations and the Organization of American States.

The United States initially argued that the international court lacked jurisdiction in the case, and after the court held that it did have jurisdiction, the Administration decided in January to not participate further.

American officials said the makeup of the court, an agency of the United

Nations, is such that Washington would not receive fair treatment in this case. One official said the Sandinistas wanted "not justice but publicity."

Despite that view, State Department officials said the department's Latin American bureau and its legal experts had argued internally that the United States ought to take part in the case, but they were overruled by Secretary of State George P. Shultz.

Paul S. Reichler, another member of Nicaragua's legal team, whose Washington firm has represented Nicaragua since 1979, said former rebel leaders would testify on the extent of American control over rebel operations.

He said the United States used "sophisticated electronic interception machinery that it has all over Honduras" to break Nicaraguan military codes and to find elite Sandinista counterin-

surgency battalions. American reconnaissance planes then fly over northern Nicaragua to confirm the locations of the Sandinista forces, he said, and the information is relayed to the rebels.

"The advice is such that the United States is responsible under international law," Mr. Chayes said. "The *contra* force is an agent of the United States."

Mr. Reichler said official American aid to the rebels was the reason they continued to function. He said he would present evidence that official help continued even after Congress cut off the Central Intelligence Agency's financing of the rebels a year ago.

The lawyers said their key witness to rebut the United States charge that the Sandinistas were aiding the Salvadoran guerrillas, the initial reason the

Administration used for backing the *contras*, would be David McMichael, a former C.I.A. analyst. Mr. McMichael has previously given Congressional testimony saying the Administration's case is weak.

American officials have said the Sandinistas tacitly acknowledged several years ago that aid might be going from Nicaragua to the Salvadoran guerrillas but maintained it was from individuals.

Mr. Reichler said he "strongly advised" Nicaragua that it should not undertake the court suit if it were still involved in arms traffic to El Salvador.

"They assured us from the beginning that they had nothing to hide," he said.